

FILED

2005 DEC 12 DB

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

AARON GLAESER,

Plaintiff,

v.

CHEATHAM COUNTY SHERIFF'S
DEPARTMENT, MUNICIPAL
GOVERNMENT OF CHEATHAM
COUNTY & JASON LITTLEJOHN.

Defendants.

CASE NO. 3 05 1043

JUDGE WISEMAN

COMPLAINT

Comes now the Plaintiff, AARON GLAESER, by and through counsel, Adam Wilding Parrish, and for cause of action against the Defendants would show unto the Court as follows:

JURISDICTION AND VENUE

- 1 The Plaintiff sues for violation of Plaintiff's civil and constitutional rights by the Defendants, and each of them, through actions taken against the Plaintiff under the color of State law in Ashland City, Tennessee, on or about December 12, 2004 and continuing thereafter
- 2 This action arises under the Fourteenth Amendment to the United States Constitution and Article I, Section 8 of the Constitution of Tennessee.
- 3 This action is brought pursuant to 42 U.S.C. §1983, et seq., and 42 U.S.C. §1988, et seq., and jurisdiction is established due to the federal question jurisdiction pursuant to 28 U.S.C. §1331.

FACTS

- 4 That Plaintiff, AARON GLAESER is a citizen and resident of Sumner County, Goodlettsville, Tennessee.
- 5 That Defendant, JASON LITTLEJOHN, at all times relevant hereto, was an officer for the Cheatham County Sheriff's Department in Ashland, Tennessee.
- 6 That the Cheatham County Sheriff's Department is a local governmental entity and employs defendant, LITTLEJOHN.
- 7 That the County of Cheatham is a local governmental municipality in charge of, among other things, the Cheatham County Sheriff's Department.
- 8 That on or about December 12, 2004, Plaintiff, AARON GLAESER, was operating his vehicle on the public streets of Cheatham County, Tennessee.
- 9 That at all times relevant hereto, Defendant, Officer Jason Littlejohn, was acting his official capacity as an employee of the Cheatham County Sheriff's Department.
- 10 That on or about the same time and date, Defendant, Officer Little John, was on patrol and encountered Plaintiff.
- 11 That Defendant alleges that Plaintiff was speeding.
- 12 That Defendant Officer gave pursuit.
- 13 That upon information and belief, Defendant failed to follow departmental policies regarding pursuit.
- 14 That Defendant, Officer Littlejohn, used deadly force during the course of this pursuit.

- 15 That Defendant fired his weapon approximately five (5) times striking Plaintiff's vehicle and person.
- 16 That Plaintiff was transported by ambulance to Vanderbilt Medical Center for gun shot wounds sustained.
- 17 That upon information and belief Defendant, Officer Littlejohn, repositioned vehicles after the incident.
- 18 Plaintiff has incurred medical expenses as a proximate result of Defendant's actions.

COUNT ONE – EXCESSIVE FORCE

- 19 The Plaintiff adopts paragraphs 1 through 18 as though herein repeated verbatim.
- 20 The Defendant officers violated Plaintiff's Civil and Constitutional Rights by their actions in using excessive force against the Plaintiff.

COUNT TWO – NEGLIGENCE

- 21 The Plaintiff adopts paragraphs 1 through 20 as though herein repeated verbatim.
- 22 That at all times relevant hereto, the Plaintiff was in taken into the custody of Cheatham County Sheriff's Department as previously set forth in this Complaint.
- 23 As such, Defendant Sheriff's Department and County Government owed Plaintiff a duty to protect him and exercise due diligence in the hiring, training and disciplining of it's employees and staff.
- 24 That Defendant breached that duty in the manner alleged below.

25. That Defendant failed to enforce or initiate policies designed to protect the safety of the public and those being taken into custody
26. That Defendant failed to adequately train, discipline, and monitor its employees.
27. That as a proximate result of this negligence, Plaintiff was physically injured in the manner alleged above

COUNT THREE – FAILURE TO TRAIN AND DISCIPLINE

28. The Plaintiff adopts paragraphs 1 through 27, as though herein repeated verbatim.
29. Cheatham County Government, by and through its Sheriff's Department, is in charge of training and disciplining of officers and employees within its control, such as the Defendant, JASON LITTLEJOHN, and other employees yet to be identified.
30. As evidenced by the pursuit and subsequent shooting of Plaintiff, the Cheatham County Sheriff's Department have inadequately trained or disciplined its employees in the prevention of use of excessive force

DAMAGES

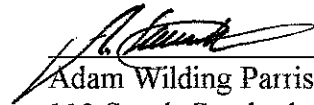
31. As a direct a proximate result of Defendant's acts and omissions, the Plaintiff has been caused to suffer great emotional, physical and psychological pain and injury, and has incurred and will continue to incur medical expenses in the treatment of these injuries.
32. As a direct and proximate result of Defendant's acts and omissions, the Plaintiff continues to suffer considerable pain and discomfort

33. Upon information and belief, the Plaintiff has suffered decreased or diminished use of his leg as a direct and proximate result of Defendant's acts and omissions.
34. Plaintiff has also incurred the expenses of an attorney in the redress of his grievances.

WHEREFORE, premises considered, Plaintiff requests the following relief:

- 1 That process shall issue requiring Defendants named herein to respond to this Complaint within the time prescribed by law
- 2 That this cause shall be heard by a jury.
- 3 That the Court render judgment in favor of the Plaintiff and against the Defendants in an amount deemed just and adequate to compensate Plaintiff for his injuries.
- 4 That the Court render judgment for punitive damages in favor of the Plaintiff and against the Defendants in an amount to be determined by the trier of fact
- 5 That this Court render judgment, awarding Plaintiff his attorney's fees and costs incurred in this action.
- 6 For other and general relief from time to time as the Court may deem appropriate

Respectfully submitted
ADAM W. PARRISH, P.C.

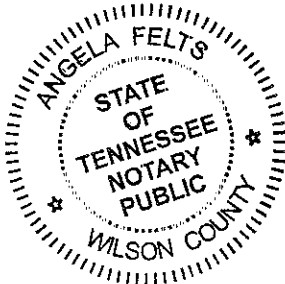

Adam Wilding Parrish, #21917
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Lebanon, TN 37087
(615) 444-6884
Attorney for Plaintiff

STATE OF TENNESSEE)
)
COUNTY OF WILSON)

I, AARON GLAESER, hereby make oath in due form of law that the statements contained in my foregoing Complaint are true and correct to the best of my knowledge, information and belief and that my complaint is not made out of levity or by collusion with the Defendants, but in truth and sincerity for the causes mentioned therein.

Aaron M. Glaeser
AARON GLAESER

SWORN AND SUBSCRIBED before me on this the 12th day of December,
20 05.



Angela Felts
NOTARY PUBLIC

My commission expires 2/23/2006